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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/402,294	10/01/1999	JAMES EDWIN HAILEY	RCA88752	5754

7590

12/18/2002

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EXAMINER

LONSBERRY, HUNTER B

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 12/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/402,294

Applicant(s)

HAILEY ET AL.

Examiner

Hunter B. Lonsberry

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, and 4-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 2002/0138840-A1 to Schein in view of U.S. Patent 6,426,779-B1 to Noguchi.

Regarding claims 1, 9, 15, 18, and 19, Schein discloses in Figures 9 and 10, a PCTV system which integrates Internet data with television information, processor 552 is utilized to decode Internet information for display on a television, the Internet information may be in the TCP/IP format and is retrieved via a cable modem, both the Internet data and television data may be displayed simultaneously, the proportion of the displayed Internet or video data is variable (page 2, paragraphs 25-27, page 6, paragraphs 52-57, page 7 paragraphs 61-67, page 9, column 72-74, Figures 13 and 15). Schein inherently contains data identifiers in a channel map for associating the currently displayed program with Internet content as Schein discloses that a user watching a sports game may establish an Internet connection via the EPG to retrieve statistics and products associated with the current game (Page 8, paragraph 64). Schein does not disclose the use of a processor for decoding MPEG compatible data, and identifiers for identifying MPEG or Internet content. Noguchi discloses in Figure 3, a set top box 3 with MPEG video and audio decoders 25 and 26 and NTSC converter 27,

PEG and MPEG data are sent together via satellite, the CPU retrieves the EPG data for display and the data is superimposed over the video image (column 4, line 27-column 7, line 32). The examiner takes official notice that the use of a packet identifier to identify the type of data stream (MPEG/Internet data) is well known in the art. Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the PCTV system of Schein to include the MPEG decoder of Noguchi and to include a digital identifier to designate the type of content, thereby allowing a user to integrate digitally encoded programs with supplemental content from the Internet.

Regarding claims 2 and 10, Noguchi discloses that both the EPG and MPEG data are received via satellite. Noguchi inherently includes an identifier to designate which data packets are MPEG streams, and which packets are EPG data.

Regarding claim 4, Schein discloses that an Internet data based EPG may display an index of television programs (page 7, paragraph 61).

Regarding claim 5, Schein discloses that the Internet data may be encoded in TCP/IP (Page 8, paragraph 66).

Regarding claim 6, Schein discloses that the video data is variable between 0 and 100% (Figures 13A, B, 16A).

Regarding claim 7, Regarding claim 1, Schein discloses a PCTV system which integrates Internet data with television information. Schein inherently makes use of pixel memory to store an image prior to output, as memory is required to mix the two signals together prior to display.

Regarding claims 8 and 17, Schein discloses in Figure 12B that the outputted video may transmit the video and Internet data as separate images within the composite video signal, and that the proportion of video and Internet data displayed is user selectable by pressing a button (page 8, paragraph 64).

Regarding claim 11 and 12, Schein discloses in Figures 14A-E, a VOD ordering system which requires a user to input a password or access code prior to order video or making a financial transaction, once the password/access code is accepted the video may be delivered (page 10, paragraph 85). The examiner takes official notice that the use of encryption to prevent a user from viewing material is well known in the art. Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combined system of Schein and Noguchi to include encryption to restrict unauthorized users from accessing products or services.

Regarding claims 13, 14, and 16, Schein discloses that a user watching a sports game may establish an Internet connection via the EPG to retrieve statistics and products associated with the current game which are user selectable, the data may be encoded in HTTP or TCP/IP (Page 8, paragraph 64-66).

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 2002/0138840-A1 to Schein in view of U.S. Patent 6,426,779-B1 to Noguchi in further view of U.S. Patent 6,173,317 to Chaddha.

Regarding claim 3, the combined system of Schein and Noguchi discloses a PCTV system which supplements video data with Internet content. The combined

system of Schein and Noguchi does not disclose that the Internet data is synchronized with the MPEG data. Chaddha discloses in Figures 4-8, the use of an annotation stream which is synchronized with the video content and displayed simultaneously (column 7, line 15-column 8, line 45). Therefore it would have been obvious to one skilled in the art at the time of invention to modify the combined system of Schein and Noguchi to include the synchronization between the video and data streams as taught by Chaddha, thereby enabling the Internet data to be seen alongside the video data without user input.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 703-305-3234. The examiner can normally be reached on Monday-Friday normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5359 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

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HBL
December 12, 2002



VIVEK SRIVASTAVA
PATENT EXAMINER